# 2007 DRAFTING REQUEST

# Assembly Amendment (AA-AB397)

FE Sent For:

Received: 11/06/2007					Received By: phurley							
Wanted: As time permits					Identical to LRB:							
For: Sheryl Albers (608) 266-8531  This file may be shown to any legislator: NO  May Contact:  Subject: Criminal Law - sentencing  Submit via email: YES					By/Representing: Drafter: phurley Addl. Drafters:							
									Extra Copies:			
									Request	er's email:	Rep.Alber	s@legis.wis
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Subject: Criminal Law - sentencing	Extra Copies:			
Submit via email: YES				
Requester's email: Rep.Albers@legis.wisconsin.gov				
Carbon copy (CC:) to:				
Pre Topic:				
No specific pre topic given	t edge f			
Topic:				
Aiding a felon				
Instructions:				
delete lines 9-12 on page 3				
Drafting History:				
Vers. Drafted Reviewed Typed Proofed /? phurley	Submitted Jacketed Required			

FE Sent For:

<END>

#### **2007 - 2008 LEGISLATURE**

#### 2007 ASSEMBLY BILL 397 PED

Link to Bill History

June 14, 2007 - Introduced by Representatives Krusick, Petrowski, A. Ott, Berceau, Van Roy, Strachota and Hines, cosponsored by Senators Olsen, Plale, A. Lasee, Harsdorf, Kedzie and Roessler. Referred to Committee on Criminal Justice.

Pg1Ln1 An Act to renumber and amend 946.47 (1) and 946.47 (2); to amend 946.47 (title); and to create 946.47 (1m) (intro.), 946.47 (2m) and 946.47 (2r) of the statutes; relating to: aiding a felon and providing penalties.

#### Analysis by the Legislative Reference Bureau

Current law prohibits a person from harboring or aiding a felon with intent to prevent the felon's apprehension. Current law also prohibits a person from destroying, altering, hiding, or disguising physical evidence or placing false evidence with intent to prevent the apprehension, prosecution, or conviction of a felon. A person who violates these prohibitions may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, includes a term of confinement and a term of extended supervision) or both. Alternatively, as with nearly all other crimes, the court may place the person on probation in lieu of requiring the person to serve time in prison or jail. These prohibitions, however, do not apply to the felon or to his or her spouse, parents, grandparents, children, grandchildren, brothers, or sisters.

This bill requires that a person convicted of violating one of these prohibitions be sentenced to a term of imprisonment and be assessed a fine. Under the bill, the court may not place the person on probation. The bill also increases the maximum term of imprisonment for violating these prohibitions if the felon being assisted has committed: 1) a Class A, B, C, or D felony; 2) an unclassified felony that is punishable by a sentence of life imprisonment; or 3) an offense in another state that is punishable by imprisonment there for one year or more and that would, if committed in Wisconsin, be a Class A, B, C, or D felony or be punishable by a sentence of life imprisonment. Under the bill, the maximum term of imprisonment in such a case is ten years and the maximum fine is \$25,000.

Because this bill creates a new crime or revises a penalty for an existing crime,

the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pg2Ln1	Section 1. 946.47 (title) of the statutes is amended to read:
Pg2Ln2	946.47 (title) Harboring or aiding Aiding felons.
Pg2Ln3 Pg2Ln4	<b>Section 2</b> . 946.47 (1) of the statutes is renumbered 946.47 (1m) (a) and amended to read:
Pg2Ln5 Pg2Ln6	946.47 (1m) (a) Whoever does either "Aid a felon" means any of the following is guilty of a Class I felony:
Pg2Ln7 Pg2Ln8	1. With intent to prevent the apprehension of a felon, harbors harbor, or aids aid him or her; or.
Pg2Ln9 Pg2Ln10 Pg2Ln11	2. With intent to prevent the apprehension, prosecution, or conviction of a felon, destroys, alters, hides destroy, alter, hide, or disguises disguise physical evidence, or places place false evidence.
Pg2Ln12	Section 3. 946.47 (1m) (intro.) of the statutes is created to read:
Pg2Ln13	946.47 (1m) (intro.) In this section:
Pg2Ln14 Pg2Ln15	<b>Section 4</b> . 946.47 (2) of the statutes is renumbered 946.47 (1m) (b), and 946.47 (1m) (b) (intro.), as renumbered, is amended to read:
Pg2Ln16 Pg2Ln17	946.47 (1m) (b) (intro.) As used in this section "felon" "Felon" means either of the following:
Pg3Ln1	Section 5. 946.47 (2m) of the statutes is created to read:
Pg3Ln2	946.47 (2m) Whoever aids a felon is guilty of the following:

Pg3Ln3	(a) A Class G felony, if the offense committed by the felon being aided is, or if
Pg3Ln4	committed in this state would be, a Class A, B, C, or D felony or an unclassified felony
Pg3Ln5	that is punishable by a sentence of life imprisonment.
Pg3Ln6	(b) A Class I felony, if the offense committed by the felon being aided is, or if
Pg3Ln7	committed in this state would be, a Class E, F, G, H, or I felony or an unclassified
Pg3Ln8	felony that is not punishable by a sentence of life imprisonment.
. 3	
Pg3Ln9	<b>Section 6</b> . 946.47 (2r) of the statutes is created to read:
Pg3Ln10	946.47 (2r) Notwithstanding s. 939.50 (3) (h) and (i), a court sentencing a
Pg3Ln11	person convicted under sub. (2m) shall impose both a fine and a term of
Pg3Ln12	imprisonment. The court may not place the person on probation.
Pg3Ln13	(End)
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#### **2007 - 2008 LEGISLATURE**

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# Preliminary Draft - Not Ready For Introduction ASSEMBLY AMENDMENT, TO 2007 ASSEMBLY BILL 397

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1 At the locations indicated, amend the bill as follows:

1. Page 3, line 9: delete lines 9 to 12.

3 (END)